

TEST CASE

Filed by Soldier Discharged as Result of Brownsville Riot is Attracting Attention

OTHERS MAY FOLLOW

New York, May 4.—The first court action testing President Roosevelt's authority to summarily dismiss members of companies B, C and D of the twenty-fifth infantry, colored, for the riots at Brownsville, Texas, on August 13, 1906, came up this afternoon before Judge Hough in the United States district court. The case is that of Oscar W. Reid, a private in Company C who has brought suit against the United States to recover \$122.26 the amount of pay the soldier would have earned between the time he was dismissed on November 16, 1906, until July 18, 1907, the date of the expiration of the term of his enlistment.

Private Reid was one of the soldiers concerned in the early events of the evening on which the town of Brownsville was shot up.

The Reid suit is recognized as a test case, and if he recovers on the action similar suits will be instituted by the other discharged soldiers.

The case came up today on the argument on petitioner Reid's demurrer to a section of the government's answer. The contention of counsel for Reid was that the relations between the soldier and the government amounted to a civil contract which the president had no authority to abrogate. District Attorney Stimson maintained that as the president clearly has an authority to dismiss without trial an officer of the army, he certainly has power to dismiss a private.

At the end of the argument, which lasted until 7 o'clock tonight, Judge Hough said he would require argument to show that the relation between the government and the soldier amounted to a civil contract and to show whether congress had ever transferred its right to dismiss soldiers to the president. Briefs covering these points are to be handed to Judge Hough before Wednesday.

WEYBRECHT WILL MAKE A CONTEST

Alliance, O., May 4.—Col. C. C. Weybrecht left on Monday morning for Columbus, to attend the Democratic state convention, May 5 and 6. Col. Weybrecht goes as an anti-Pomerene delegate, the only one elected in Stark county. It is probable that his seat in the convention will be contested. In the event of a contest, Col. Weybrecht declared he was prepared for the fray and proposes to use all the tactics known in politics to retain his seat. The other delegate from Alliance to the state convention is John Eyre, who will be present at the opening of the convention Tuesday evening at 4 o'clock.

MANY SCHOOL CHILDREN ARE SICKLY.

Mother Gray's Sweet Powders for Children, used by Mother Gray, a nurse in Children's Home, New York, broke up Colds in 24 hours, a certain relief for Feverishness, Headache, Stomach Troubles, Teething Disorders, move and regulate the Bowels, and Destroy Worms. Mrs. Emily Maroon, Meriden, Ct., says: It is the best medicine in the world for children when feverish and constipated. Sold by all Druggists or by mail, 25c. Sample sent FREE. Address, Allen S. Olmstead, Le Roy, N. Y.

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West Baden Springs, Indiana.

Rates \$2.50 to \$5.00 per day American Plan. Private Baths. Special Weekly Rates. Open the year round.

COME and drink the water and take the baths, it will cure Kidney, Liver and all Stomach ailments, Constipation, Nervousness and all kindred complaints. The expense is a mere trifle compared with the benefits derived. For those who cannot spare the time or money to come to the Springs, write us, stating symptoms, and attempt if possible, enclosing \$2.00 and we will ship 5 Gals. Mineral Water fresh from the Springs with Physician's advice for home treatment.

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ALLIANCE B. OF E.

Alliance, O., May 4.—The Alliance board of education met Monday evening with Members Kay, Miller, Tranter and Manchester present.

Major E. B. Scranton, patriotic instructor for the Grand Army, addressed the board, and stated that the G. A. R. and Daughters of Veterans had secured 52 copies of Lincoln's Gettysburg speech which were being framed and would be presented to each of the city schools. He also spoke of having a sample flag which he thought would be suitable for the school rooms and asked the board to purchase a flag for each room.

W. B. Austin, representing the organized labor of Alliance, asked the board to specify in the contract for the new school building, that organized labor be employed in the work.

A long list of bills were approved and ordered paid.

A request of the Alliance High School Alumni association was read, asking the board to donate \$35 for tickets for graduating class at the alumni banquet to be held this year.

The subject was referred to the city solicitor for an opinion as to the board's authority to take such action.

On motion of Mr. Miller, Messrs. Oatis and Dayton Wilcox were authorized to take the annual school enumeration at a rate of two cents per head.

The bids on the \$25,000 four percent school bonds were as follows: City Savings Bank & Trust Co., of Alliance, par and accrued interest; Susongood & Mayer, Cincinnati, par and accrued interest on condition that the firm be allowed \$200 for printing of bonds, etc. The bonds were awarded to the City Savings bank.

Superintendent Morris turned in \$32.20 for April tuition of out of town pupils and \$6.80 for supplies furnished Lexington township. Mr. Morris suggested that the new school be named Lincoln avenue. The subject was referred to the building committee together with subject of renaming all the school buildings.

Superintendent Morris recommended the purchase of two Remington, two Oliver and one Smith-Premier typewriters for the new commercial department of the High school to be opened next September. Also recommended the Gregg system of shorthand. The subjects were deferred.

After holding a secret conference the board by vote of 3 to 1 re-elected John E. Morris superintendent for a period of three years at a salary of \$2000 per year. Members Kay, Tranter and Manchester voted for re-election and Member Miller opposed it.

Mr. String, who it claimed, would have opposed it, was absent from the city. By electing Mr. Morris for a term of three years, the board exceeds its own term of office by a year. This point was brought up by Member Miller, who made a motion to make the term two years. There was no second to the motion. Mr. Morris has been superintendent for sixteen years.

MOULTRIE.

Moultrie, May 3.—A. M. Baird was shopping in Alliance Wednesday.

Mrs. Frank Heastand visited in Homeworth, Thursday.

Mrs. Frank Hahn made a business trip to Sebring, Friday.

Mrs. Elizabeth Shively, who has been visiting in Cleveland, has returned home to spend the summer.

Miss Alice Cassidy is working for Frank Hahn.

Mrs. John Martin returned home, Thursday evening, after spending a few days in Alliance.

The Moultrie cheese factory is completed.

Mrs. Bert Hime, Mrs. Percy Patterson and son, Carl, were shopping in Alliance, Friday.

Resolutions of Respect.

At a special meeting of the vestry of St. Paul's Protestant Episcopal church, May 3, 1908, the following resolutions were adopted:

Resolved, That in the death of Mr. Percy H. Fletcher, the Vestry and Parish have lost an honored and respected member, and his family a devoted husband, and a kind and indulgent father.

Resolved, That these resolutions form a part of the records of its proceedings, and that a copy be presented to the bereaved family and to the press.

Homer Glessen, John P. Goheen, E. Grootinger, committee.

Repairs for McKinley Monument.

Contractor George Maltby, the builder of the McKinley mausoleum is in the city and while here will see to a few repairs to be made at the monument. The repairs will consist of the stopping of a little leakage and a few other minor repairs. Mr. Maltby expected to meet Architect Magonigle here but the latter sent word that he could not be present at this time.

Akron—Judgments amounting to almost \$18,000 rendered against Sen. Dick in common pleas court.

Akron—R. A. Courtney, 89, pioneer, dead of old age.

LIQUOR MEN AFTER SCALP OF SEN. DRAKE

Columbus, O., May 4.—Because of his stand on temperance legislation the brewers and distillers and the political element they dominate are determined Senator John C. Drake, (Democrat) of the Thirtieth district, embracing Erie, Huron, Sandusky and Ottawa counties, shall not be returned. Against him also are the corporate interests because of his position and votes for the regulation of special privileges.

As chairman of the temperance committee Drake had the deciding vote on the Rose county local option bill report. Two members were against recommending its passage and two favoring it. Drake, the fifth member of the committee, after holding the bill for three weeks, against the protest of the Anti-Saloon league, voted for a recommendation of the bill.

WAS THREATENED.

He was repeatedly told that to do this meant his political annihilation; that despite his record on everything else he would be buried so deep that he never would be heard from again. Two years before he had supported every temperance measure proposed, but he was promised that all of this would be forgotten if he would refuse to report the Rose bill.

Drake's business was boycotted and many of his old-time friends openly snubbed him whenever occasion presented itself. Tremendous pressure was brought to bear on him, but he refused to surrender his convictions.

DRAKE'S RECORD.

Voted for the initiative and referendum resolution and against the house amendments emasculating the measure so that its friends did not know it; for the Howe franchise tax bill, primary reform, Paine's municipal code, Reynolds's child labor bill, abolishment of capital punishment, inheritance tax, the Meek school investigation, investigations of Cincinnati, Cleveland, the state offices, and the penitentiary, the Schmidt street railway consent bill, competitive bidding for state funds, new penitentiary, reorganization of the state board of agriculture, Howe's bill for assessing all railroads at their true market value, municipal work by direct labor, free text books, the Rose county option bill and the Jones bill to prevent the pocketing of saloons in residence districts.

He voted against the Gayman taxation amendment, the extension of the terms of county officers, the creation of a state military board having the power of taxation and the confirmation of M. D. Ratchford as commissioner of labor.

He did not vote on the Spicer bill repealing the Longworth act.

Two years ago he served as chairman of the Cincinnati investigating committee, and this session as a member of the Howe probe.

Darke lives at Kimball, Erie county. He is the proprietor of a general store and the agent of Reuben Turner, operator of grain elevators.

DEATHS AND FUNERALS

MRS. MARY PETER.

St. Peter's Catholic church was well filled with mourning relatives and friends Monday morning to listen to the last sad rites over the remains of Mrs. Mary Peter, among those in attendance being relatives and friends from Wheeling, Pittsburg, Bradock, Philadelphia, Canal Dover, Cleveland, Akron, Navarre, New Berlin, Bolivar and other places. High mass was conducted by Father Arnold and the sermon preached by the aged priest was a very sympathetic one, in which he told of the many good traits of the deceased, who was greatly loved and esteemed by a large circle of friends. Eight grandsons of the deceased acted as the pall bearers. They were Frank A. Peter, Ralph Peter, Howard Peter, Frank Humphrey, Conrad Peter, Charles Stevens, W. J. Waechter and Frank Peter. The remains were interred in the family burial place in St. Peter's cemetery.

The vocal music during the impressive services was rendered by Charles Lang, an old friend of the deceased, and Frank and Conrad Peter, two of the grandchildren of the deceased, who sang a duet, "Nearer, My God to Thee." The floral offerings were many and beautiful.

E. P. THOMPSON.

Edwin P. Thompson died at his home, 211 East Tuscarawas street, last night at 7:15 of heart trouble, from which he had suffered for some time. He was an employee of the Pennsylvania railroad for 47 years as ticket agent, freight agent and freight clerk. He was 65 years of age. He leaves one daughter and one son, both of this city. The funeral arrangements will be announced later.

Mansfield—Body of Jacob Garver who disappeared two months ago, found in creek.

Salem—Mrs. Elsie Whitacre, 60, dead after illness of months.

State of Ohio, City of Toledo, I, Frank J. Cheney make oath that he is senior partner of the firm of F. J. Cheney & Co., doing business in the City of Toledo, County and State aforesaid, and that said firm will pay the sum of ONE HUNDRED DOLLARS for each and every case of Catarrh that cannot be cured by the use of HALL'S CATARRH CURE.

Sworn to before me and subscribed in my presence, this 4th day of December, A. D. 1907.

A. W. OLIVASON, Notary Public.

HALL'S CATARRH CURE is taken internally, and acts directly on the blood and mucous surfaces of the system. Send for testimonials free.

F. J. CHENEY & CO., Toledo, O. Sold by all Druggists. Take Hall's Family Pills for constipation.

MAYOR TOM

And His Friends Say They Will Control Convention—Others Say NIT.

Columbus, May 4.—Without visible cause, the followers of Mayor Tom Johnson have been feeling quite elated in the last two days. The Cleveland mayor has said that he and his friends will control the Democratic state convention, which meets here Tuesday, but there is no evidence of a split in the opposition. For the past two weeks the anti-Johnson people have had the votes to defeat Johnson and his candidates, including Alfie Pomerene, of Canton, his man for governor. But a day or two sometimes makes a difference.

It was reported Saturday night that Mayor Johnson would throw a lot of contests on the convention. Delegations from Lucas and Muskingum counties are already contested. And there will be others. It was even reported that the Franklin county delegation might be contested, though on what ground, except that it is anti-Johnson, was not disclosed.

One of the rumors that has gained much headway was that Mayor Johnson had patched up his differences with David Rockwell, of Portage county. Anti-Johnson men hooped at that story. They say Rockwell will fight Johnson to the last ditch and that he "would rather be beaten for secretary of state than to get the nomination at the hands of Johnson."

The convention is expected to endorse Bryan. Some of the leaders in the larger counties outside of Cuyahoga see now that it would not have been very difficult to defeat that endorsement. Lucas, Franklin, Hamilton and Montgomery counties, containing Toledo, Columbus, Cincinnati and Dayton, will have delegations not too friendly to Bryan. It would not take many more counties to secure a majority of the convention. But the anti-Bryan sentiment started too late and it does not look as if Bryan's friends can be headed off.

Delegates to the convention were dropping in today. Mayor Johnson opened his headquarters at the Great Southern today. Headquarters for candidates will not open till Tuesday.

PILES! PILES! PILES!

Williams' India Pile Ointment will cure Blind, Bleeding and Itching Piles. It absorbs the tumors, always itching at once, acts as a poultice, gives instant relief. Williams' India Pile Ointment is prepared for Piles and Itching of the private parts. Sold by druggists, mail 50c. U.S. Williams Mfg. Co., Props., Cleveland, O.

Sold by M. A. FISHER.

STATE AND VICINITY

New Castle—Rosana Serge, 18, sentenced to hang Thursday, relieved till June 9.

Warren Flour mill of Richards-Evans Co., burned to ground.

Smoke Inspector Krause to test smokeless coal on river tugs.

Lima—Employees of the L. E. & W. and the E. H. & D. railway shops returned to work on full time Monday.

Dennison—H. F. Ackerman, 40, died suddenly.

New Philadelphia—Anti-Saloon league organized.

Alliance—Odd Fellows will erect a new building.

Tiffin—The First Presbyterian church, the oldest Protestant congregation in the city, is celebrating the 80th anniversary of its foundation this week.

Wooster—There was a heavy freeze Saturday night and farmers say that fruit is ruined.

Bellefontaine—D. Oldham of Quincy knocked senseless by lightning while talking over the telephone.

Courtland—Richards & Evans' milling plant and R. J. Richards' feed store were burned. The town would probably have been destroyed if the buildings had not been so wet from rain and snow.

Steubenville—The cornerstone of the \$100,000 Y. M. C. A. building was laid.

Fremont—The Sandusky county W. C. T. U. endorsing the action of Senator Drake for his efforts in behalf of the Rose bill.

Findlay—Hancock county will build infirmity buildings on the cottage plan and will be the first county in the state to do such a thing.

Fremont—The Sandusky County Medical society has decided to make no endorsement of Dr. C. A. Reed to succeed Senator Joseph B. Foraker.

East Liverpool—Rev. John Swan, 82, dead. He had just received word that his only brother, Rev. Benjamin C. Swan, of Metropolis, Ill., died suddenly.

Bellefontaine—William Critzer was bound over for deserting his wife.

Dayton—Damage suits aggregating \$225,000 brought against Hallwood Cash Register Co. by John Patterson are dismissed.

Granville—Baptist Missionary union will establish home here for children of missionaries.

Proper Food Preserves Health.

The most noted authorities on health agree that the human body will throw off disease and sickness if it has proper food and exercise. The ideal food for all classes is WOODBROCK MACARONI as it contains in the right proportions the necessary elements for nourishing the body and rebuilding the daily waste. It is made from the richest part of the best wheat and packed in sanitary germ-proof packages. At all grocers, 15 cents. Order today.

SUFFIELD.

Suffield, O., May 4.—Mrs. Long left for Kent Monday, where she will spend the summer with her son, Albert Long, and family.


Mrs. George May and son, Jerome, visited friends in Ravenna, Sunday and Monday.

Mrs. Margaret Potter, Mr. and Mrs. Fred Stratton and daughter, Beatrice, attended the funeral of Mrs. Stratton's uncle, Stanford Tiesnor, at Randolph, Tuesday afternoon.

Clarkson Fritch visited friends in Cleveland a few days the past week.

Benjamin Hart, of Mogadore, was in town, Thursday.

Mrs. Helen Warner moved into



Young Men's Chances In the Navy

The U. S. Navy offers young men many advantages seldom found in any calling of civil life. If you enlist as an apprentice seaman you are given a \$60 outfit of clothes free, and placed on the pay-roll at \$16 per month. After about four months at the training station your pay is raised to \$19, and in one year you may receive \$24, together with free board, lodging and medical attendance. After that your promotion depends upon your own efforts. In the Navy you can be absolutely certain that good, hard work will bring promotion and increased pay. A capable young man can, within the term of one or two enlistments, rise to the position of Chief Petty Officer with pay of \$70 to \$80 per month, free of living expenses; and later may try for that of Warrant Officer, with pay of \$1200 to \$2100 per year. There are, besides, many opportunities to earn extra pay. After thirty years' service he can retire on three-fourths pay and allowances for rations, clothing, quarters, fuel and light.

The Navy gives you a free training, pays you while you are learning, and then offers you permanent employment, unaffected by hard times, and with pay comparing favorably with that earned by the average man in civil life.

There are special opportunities and higher pay to start, for those who have a special training, such as machinists, carpenters, electricians, coopersmiths, and stenographers, bookkeepers, stewards, cooks, bakers, etc.

The term of enlistment is four years and the pay is increased on re-enlistment. For full information, write to Navy Recruiting Station, W. Sixth Street and Superior Avenue, Cleveland, Ohio, or apply in person to U. S. Navy Recruiting Officer who will be at

BARNETT HOUSE, CANTON, OHIO, FROM MAY 11 TO 13.

George Fritch's house, Tuesday.

Quite a number of our young people enjoyed a party at Watson's hall, Wednesday evening.

Hartman Blitzer accidentally got two of his fingers caught and smashed between the cog wheels of a potato planter.

I. H. Royer lost a valuable horse last week.

K. C. Gardener, of Pittsburg, was in town last week.

Mrs. B. F. Rhodes, who has been visiting friends in Akron, returned to her home here, Saturday.

Herbert Smith visited friends in Akron Friday and Saturday.

Mrs. Frank Memmer and children, Clarence and Harlin, of Hartsville, are visiting Mrs. Memmer's mother, Mrs. Helen Warner.

Mrs. Joseph Bowman, of Cleveland, spent Sunday with her parents, Mr. and Mrs. Frank Ewell.

Mr. and Mrs. Ambrose Gehris and Mr. and Mrs. Peter Wegman visited Dr. F. P. Russell and family, of Akron, Sunday.

Mr. and Mrs. Edward Ewell and daughter, Eunice, visited Mr. and Mrs. Fred Geldinger, at Akron, Saturday and Sunday.

Fred Wegman and Hiram Shanafelt spent Sunday evening with friends in Akron.

Mr. and Mrs. Peter Keener and daughter, Corda, visited Lewis Hawk and family Sunday.

MCDONALDSVILLE.

McDonaldsville, May 4.—Mr. and Mrs. Benjamin Koontz, of this place, visited Joseph Hartong, near Greensburg, Sunday, who has recently suffered a broken shoulder blade.

Jacob Elsass, of Marchand, was a visitor in McDonaldsville, Sunday.

Mr. and Mrs. Benjamin Keck, of this place, were guests of Mr. and Mrs. Benjamin Naftzger, of town.

Mr. and Mrs. George Lauby, of Greentown, were guests of Arnold Lauby, of this place.

Mrs. S. L. Moore and family called on Mrs. Charles Heisa, Sunday.

Mrs. J. A. Lauby, of this place, made a business trip to Massillon, Friday.

Thomas Sorrick, of this place, spent a few days with his cousin, Calvin Nottinger, of Uniontown, last week.

Miss Georgia Sitzer has returned home from Akron, where she has been visiting.

A number of persons from this place attended the commencement in Greensburg, Friday evening.

Mr. and Mrs. Jerry Braucher, of Comet, were visitors in town, Sunday.

John Sorrick, of this place, was a visitor at the Charles Heisa home, Friday evening.

There will be a lecture given in the McDonaldsville church by Bishop Hile, Wednesday evening.

Mrs. Henry Heisa, west of town, was a visitor at the Charles Heisa home, Saturday.

Mr. and Mrs. Daniel Keck, of this place, spent Sunday in Manchester.

Jack Mitchell made a business trip to New Berlin, Monday morning.

John Heeler and Samuel Lutz made a business trip to Canton, Monday morning.

Henry Mathie, west of here, was in town on business, Friday.

HOSTETTER DISTRICT.

Hostetter District, May 4.—Curtis Haynam, of Minerva, called at his brother, Daniel's, Friday.

Seyford Kurtz lost a valuable work horse Tuesday. Coming in from some work apparently all right, but became sick soon and despite the veterinarian's efforts, died in a few hours.

The freeze Friday morning is reported by some not to have hurt the fruit, while others report it as badly hurt, perhaps killed.

Ralph Crowls entertained his brother, Daniel Crowls, of Paris, Sunday.

Grandma Haynam is spending a few weeks with each of her sons, Daniel, John, Charles and Frank, of our vicinity.

Mrs. Leta Carson has been suffering with the rheumatism.

Frank Crowl and family were shopping in Minerva, Friday.

Wesley Orwick has again been laid up with the rheumatism.

Maurice Betz and wife were in Minerva, Friday.

Little Oscar Betz, who injured his shoulder in a fall last week, is getting along all right.

The Slack school closed Friday with literary exercises and a picnic dinner.

DALTON.

Dalton, O., May 4.—The fire escapes on the Dalton High school have been put in place.

The Baccalaureate sermon to the graduates of the Dalton High school will be given Sunday evening, May 17, by Rev. Findlay, in the Presbyterian church.

Dalton will be right up to the mark this summer in sports. A tennis court and ball grounds for the young people are under construction.

OLIVE OIL

An oil made from choice olives and is absolutely pure. We especially recommend it for medicinal purposes.

Gallon Cans, - - \$2.75

1 Qt. in Mason Jar, .75

1 Pt. " " .40

Make no mistake—

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The Number is

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